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DATE: April 21, 2006

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Name	Fax Number	Phone Number
Examiner Daniel I. Walsh - U.S. Patent and Trademark Office	571-273-8300	571-272-2800

FROM: Kirk Dorius

PHONE: 602-382-6544

RE:

MESSAGE:

Attached is the Terminal Disclaimer for Serial No. 10/708,839

ORIGINAL DOCUMENT: Will not be sent

NUMBER OF PAGES (Including Cover): 6

CONFIRMATION NO.:

CLIENT MATTER NO.: 70655.0300

PLEASE RETURN TO: S.Bowman/16S02

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PAGE 1/6 \* RCVD AT 4/21/2006 6:41:16 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-2/22 \* DNIS:2738300 \* CSID:602 382 6070 \* DURATION (mm-ss):02-14

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/710,639
	Filing Date	March 26, 2004
	First Named Inventor	Blayn W. Beenu, et al.
	Art Unit	2676
	Examiner Name	Daniel I. Walsh
Total Number of Pages in This Submission	Attorney Docket Number	70655.0300

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ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
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## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	SNELL & WILMER, LLP, 400 East Van Buren, Phoenix, Arizona 85004-2202		
Signature			
Printed name	Kirk Dorlus		
Date	April 21, 2006	Reg. No.	54,073

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Sheila Bowman	Date	April 21, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

**FEE TRANSMITTAL**  
**For FY 2006**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

**Complete if Known**

Application Number	10/708,839
Filing Date	March 26, 2004
First Named Inventor	Blayn W. Beenau, et al.
Examiner Name	Daniel I. Walsh
Art Unit	2876
Attorney Docket No.	70655.0300

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**METHOD OF PAYMENT** (check all that apply)

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☒ Deposit Account Deposit Account Number: 19-2814 Deposit Account Name: Snell & Wilmer LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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**FEE CALCULATION** (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES****Fee Description**

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 20 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
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- 3 or HP = \_\_\_\_\_ x \_\_\_\_\_ = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3.

Fee (\$)	Small Entity Fee (\$)
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50 25

200 100

360 180

**Multiple Dependent Claims**

Fee (\$)	Fee Paid (\$)
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**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(O) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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- 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Terminal Disclaimer

Fees Paid (\$)

130.00

**SUBMITTED BY**

Signature	<u>Kirk Dorius</u>	Registration No. (Attorney/Agent)	54,073	Telephone (602) 382-6544
Name (Print/Type)	Kirk Dorius			Date April 21, 2006

This collection of information is required by 37 CFR 1.138. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## CERTIFICATE OF TRANSMISSION PURSUANT TO 37 C.F.R. § 1.8

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Date: April 21, 2006By: [Signature]IN THE UNITED STATES PATENT AND TRADEMARK OFFICEPATENTApplicants: **Blayn W. Beenau, et al.**Attorney Docket No.: **70655.0300**Serial No.: **10/708,839**; Confirmation No.: **2838** Group Art Unit: **2876**Filed: **March 26, 2004**Examiner: **Walsh, Daniel I.**Title: **METHOD FOR REGISTERING BIOMETRIC FOR USE WITH A FOB**

04/26/2006 SSITHIB1 00000007 192814 10708839

01 FC:1814 130.00 DA

**TERMINAL DISCLAIMER TO OBVIATE  
A PROVISIONAL DOUBLE PATENTING REJECTION  
OVER CO-PENDING APPLICATION**

Mail Stop Amendment  
Commissioner of Patents  
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Dear Commissioner:

The owner, American Express Travel Related Services Company, Inc., of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on the pending reference Application Number 10/710,331 which was filed on July 1, 2004 and Application Number 10/710,332 which was filed on July 1, 2006, as such term is defined in 35 U.S.C. §§ 154 and 173, and as the term of any patent granted on said reference applications may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference applications. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference applications are

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1824118.1

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Serial No. 10/708,839  
Attorney Docket No. 70655.0300

commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The undersigned is an attorney of record, Reg. No. 54,073.

Serial No. 10/708,839  
Attorney Docket No. 70655.0300

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**.

Respectfully submitted,

Dated: April 21, 2006

By: Kirk Dorius  
Kirk Dorius  
Reg. No. 54,073

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